

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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U.S.A. FAMOUS ORIGINAL RAY'S
LICENSING CORP.,

Plaintiff,

-against-

RAY'S & SON PIZZA RESTAURANT, et al.,

Defendants.

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GOLD, Magistrate Judge:

The above-captioned matter was filed with the Court on July 11, 2007. An initial conference was scheduled for November 1, 2007 by Order dated July 19, 2007. No one appeared for the conference. According to the Court's records, no answer has been filed.

By Order dated November 1, 2007, I directed plaintiff's counsel to file a report on the status of this case no later than November 16, 2007. My order alerted counsel that failure to comply would result in a recommendation that this case be dismissed for failure to prosecute.

Plaintiff has not responded to my order of November 1, 2007, or otherwise communicated with the court since that date. Accordingly, I respectfully recommend that this case be dismissed for failure to prosecute.

Any objections to this report and recommendation must be filed with the Clerk of the Court within ten days of receipt, and in any event no later than March 25, 2008. Failure to file timely objections may waive the right to appeal the District Court's order. *See* 28 U.S.C. §636(b) (1); Fed. R. Civ. P. 6(a), 6(e), 72; *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 14, 15 (2d Cir. 1989).

STEVEN M. GOLD
U. S. MAGISTRATE JUDGE

Brooklyn, New York
March 10, 2008